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Item No. 11.1.3

Halifax Regional Council
January 8, 2008

TO: Mayor Kelly and Members of Halifax Regional Council

A handwritten signature in dark ink, appearing to read "Dan English".

SUBMITTED BY:

Dan English, Chief Administrative Officer

A handwritten signature in dark ink, appearing to read "Wayne Anstey".

Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE: December 18, 2007

SUBJECT: **Case 01074 - Amendments to All Land Use By-laws Regarding the Definition of Day Care Facilities**

ORIGIN

Marine Drive, Valley and Canal Community Council (MDVCC) requested that staff initiate a process to amend the definition of day care facilities for all Land Use By-laws (LUBs) under their jurisdiction in order to permit day care service for children 12 years of age and younger.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Request staff to initiate a process to amend all HRM Land Use By-laws to establish a consistent definition that permits the provision of day care service for children 12 years of age and under; and
2. Direct staff to hold a Public Information Meeting regarding this issue in each of the three administrative regions of HRM.

BACKGROUND

MDVCC requested that staff initiate a process to harmonize the definition of day care facilities within all plan areas under their jurisdiction. All HRM Land Use By-laws permit the provision of day care services to children. However, the definition for day care facilities set out in most LUBs limits the provision of day care services to children under the age of 10. The Nova Scotia *Day Care Act*, R.S.N.S, 1989 and *Day Care Regulations* enable the provision of licensed day care for school aged children up to and including the age of 12.

Of the 21 plan areas in HRM, only the LUBs for Dartmouth, Downtown Dartmouth, Halifax Mainland and Halifax Peninsula define day cares in a manner that enables provision of care to children between the ages of 10 and 12 years.

DISCUSSION

The operation and licensing of day care facilities is regulated by provincial legislation that allows for the provision of day care service to school aged children up to 12 years of age. It is the opinion of staff that the age limit set out in all Land Use By-laws should be consistent with provincial legislation. The *Day Care Act* and its associated regulations apply province wide and staff contend that there is no rationale, from a land use perspective, to impose a lower age limit than that set out in the provincial legislation. Further, staff are of the opinion that there is no land use benefit resulting from the use of multiple definitions which permit day care services to children between the ages of 10 and 12 years in some plan areas and not in others.

Staff recommend that Regional Council initiate the process to consider region wide amendments to all LUBs to establish a definition of day care facilities that is consistent across HRM and with provincial legislation relative to age. Since this initiative would be region wide, staff recommend that a Public Information Meeting (PIM) be held in each administrative region of HRM. Staff will submit to Regional Council a report outlining a set of proposed amendments. Regional Council would hold a single Public Hearing and make a decision regarding the proposed amendments for all LUBs.

BUDGET IMPLICATIONS

None. The costs to process this application will be covered under the C310 operating budget.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

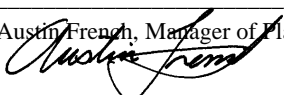
1. Council may choose to initiate the process to amend all LUBs to harmonize the definition of day cares and permit day care services for children 12 years of age and under. This is the recommended course of action as staff are of the opinion that the provision of day care services to children aged 12 and under should be enabled throughout HRM.
2. Council may choose not to initiate the process to amend all LUBs to harmonize the definition of day cares and permit day care service for children ages 12 and under. This is not the recommended course of action for the reasons outlined above.


ATTACHMENTS

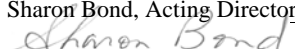
None.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

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